

RESOLUTION 2013 - _____

**PLACING A MORATORIUM ON ESTABLISHMENT OF CONSERVATION AREAS, SAFE
HARBORS, PROTECTION ZONES, ETC. ON PRIVATE LANDS IN GARFIELD COUNTY,
UTAH
for
UTAH PRAIRIE DOGS**

WHEREAS, Article 1, Section 8 of the United States Constitution identifies the powers of Congress; and

WHEREAS, the Tenth Amendment of the United States Constitution reserves to the States, or to the people, powers not delegated to the United States by the Constitution, nor prohibited by it; and

WHEREAS, Utah Code Annotated 17-50-302 (1)(a)(ii) authorizes Counties to exercise powers reasonably related to the safety, health, morals, and welfare of county inhabitants; and

WHEREAS, Utah Code Annotated 11-50-103 authorizes Counties to exercise jurisdiction on federal land within their political subdivisions; and

WHEREAS, approximately 93% of the land in Garfield County is under federal ownership; and.

WHEREAS, only 3% of the land in Garfield County is in private ownership; and

WHEREAS, the Utah Prairie Dog / *Cynomys Parvidens* (the species) has been listed under authority of the Endangered Species Act; and

WHEREAS, for approximately 40 years federal and state efforts to recover the species to the point of delisting have been unsuccessful; and

WHEREAS, *federal and state agencies have been unable to develop an approved habitat conservation plan/program that recovers the species while protecting the health, welfare, and economic viability of Garfield County residents and property owners; and*

WHEREAS, the species has caused significant damage to the health, welfare, economic viability, and pursuit of happiness of residents in Garfield County; and

WHEREAS, *the species has caused significant damage to crops, private property and economic development opportunities; and*

WHEREAS, the species is subject to bubonic plague and poses a threat to the health, safety and welfare of people in the county; and

WHEREAS, *Garfield County citizens cannot protect their health, welfare and private property rights without subjecting themselves to prosecution under the Endangered Species Act; and*

WHEREAS, Utah Prairie Dogs are migrating to unprotected private lands at an alarming rate; and

WHEREAS, uncontrolled propagation of the species on private lands will damage the health, welfare and private property rights in Garfield County; and

WHEREAS, *there are no federal or state programs that protect the health, welfare and property rights of the citizens of Garfield Count; and*

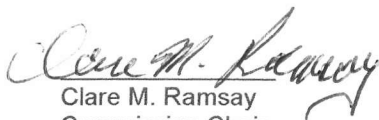
WHEREAS, it is in the best interest of the health, welfare and protection of the citizens of Garfield County that the County Commission institute a prairie dog recovery program, with more restrictive standards than those currently adopted by federal and state agencies, as authorized by 16 U.S.C. 1535; and

WHEREAS, federal law, regulation and policy require that federal and state agencies coordinate with and are consistent with plans, policies and ordinances of local governments

BE IT THEREFORE RESOLVED AS FOLLOWS:

1. The Garfield County Board of Commissioners declares a State of Emergency and Disaster to exist on private lands in Garfield County resulting from uncontrolled propagation and current management of Utah Prairie Dogs.
2. Utah Prairie Dogs on private lands in Garfield County are declared a public nuisance and a threat to the health, safety and welfare of people in Garfield County.
3. There is established a 120 day moratorium on the establishment of Utah Prairie Dog refuges, habitat conservation areas, safe harbors and other protection areas on private land in Garfield County.
4. Prior to June 15, 2013 State and Federal agencies claiming management authority over Utah Prairie Dogs shall submit maps, detailed descriptions and evidence documenting private lands in Garfield County that are currently occupied by Utah Prairie Dogs.
5. Prior to June 15, 2013 State and Federal agencies claiming management authority over Utah Prairie Dogs and/or their critical, protected, mapped or occupied habitat shall submit to the Garfield County Commission a plague abatement program, a prairie dog control plan, a graphical description of critical, protected, mapped and occupied habitat, and a monitoring/counting plan.
6. Garfield County staff is directed to prepare recommended plans, ordinances, restrictions or other regulations to control the impacts of Utah Prairie Dogs on private lands and have such recommendations available for Commission review prior to July 1, 2013.
7. No person, corporation or federal or state agency shall voluntarily move, translocate, transport, raise or propagate Utah Prairie Dogs on private lands in Garfield County without Garfield County Commission approval.
8. No person, corporation, federal or state agency shall allow Utah Prairie dogs on protected property to migrate onto unprotected private lands.
9. No person, corporation, federal or state agency shall designate protected habitat, habitat conservation areas/easements, safe harbor areas, or other similar designations on private lands without Garfield County approval.
10. Violation of items 7, 8, or 9 of this Resolution is a class B misdemeanor.
11. In accordance with U.C.A. 11-50-103 the Garfield County Sheriff, with Commission concurrence, is authorized to take action to mitigate risks to the health, safety, or welfare of the people of the County.

ADOPTED AND APPROVED in regular session of the Garfield County Commission this 28th day of May, 2013


Clare M. Ramsay
Commission Chair


H. Dell Lefevre
Commissioner


Leland F. Pollock
Commissioner